

Remarks

This is in response to the first Office Action mailed August 5, 2004.

The Applicant has hereinabove updated the specification with application numbers of related copending applications.

In the claims, independent claims 1 and 11 have been amended to insert the term “non-rotatable” so that the claims now recite “an internally mounted *non-rotatable* shaft.” Support is found including in the specification at page 8, line 25 to page 9, line 32 and in FIGS. 6-9. One skilled in the art would recognize these amendments as being merely clarifying in nature inasmuch as the original claim language, specification and drawings contemplate a stationary shaft about which the recited “rotatable article” rotates. New dependent claims 21-26 have also been added.

The Applicant thus submits that these amendments are proper, do not introduce new matter, and serve to place the application in proper condition for reconsideration and allowance.

Rejection of Claims Under 35 U.S.C. §102

The first Office Action rejected claims 1-4, 8-9, 11-16 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,078,475 issued to Lawson (“Lawson ‘475”). This is respectfully traversed.

Lawson ‘475 fails to disclose an internally mounted non-rotatable stationary shaft about which a rotatable article rotates as set forth by independent claims 1 and 11. Instead, Lawson ‘475 discloses a “one-piece” actuator assembly 12 having a rotatable pivot shaft 21 extending through and rigidly secured to an E-block 16. The pivot shaft 21 and the E-block

16 collectively rotate about a central axis to move a number of heads 18 supported by the E-block 16 adjacent corresponding recording surfaces of discs 14. See col. 3, lines 1-13 and FIGS. 2-4.

Lawson '475 further fails to disclose a hermetically sealed housing as set forth by independent claims 1 and 11. The Applicant submits that one skilled in the art would view Lawson '475 as disclosing an otherwise conventional, non-hermetic housing with an internal ambient air environment. See e.g., col. 2, lines 65-67.

Accordingly, the Applicant requests reconsideration and withdrawal of the rejection of claims 1 and 11 under §102(b) as being anticipated by Lawson '475. Reconsideration and withdrawal of the rejection of the claims depending therefrom are further requested on the basis that these claims depend from patentable base claims.

Rejection of Claims Under 35 U.S.C. §103(a)

The first Office Action further rejected claims 10 and 19 under 35 U.S.C. §103(a) as being obvious over Lawson '475. These rejections are respectfully traversed on the basis that claims 10 and 19 depend from base claims believed to be patentable for the reasons stated above.

It will further be noted that one skilled in the art would not be motivated to take the teachings and suggestions of Lawson '475, alone or in combination with other art of record, to arrive at the claimed invention. Lawson '475 teaches against the use of conventional actuator designs with ball bearing assemblies and stationary shafts for size and performance reasons, and instead presents an improved "one-piece" actuator design with a low-friction rotatable pivot shaft. See col. 1, lines 12-32; col. 4, lines 36-45.

One skilled in the art would not be motivated to “fix” the shaft 21 in Lawson ‘475 to the top and bottom plates 24, 28 so as to be stationary and interject ball bearings or the like between the fixed shaft and the E-block 16 to make the E-block 16 rotatable with respect to the shaft 21; this would defeat the purpose of the use of the internally mounted shaft 21 since the deleterious effects of the ball bearings (eliminated by the rotatable shaft 21) are reintroduced in this scenario. See *In re Zurko*, 46 USPQ2d 1691 (Fed. Cir. 1998).

Moreover, the Applicant submits that Lawson ‘475 as well as the other art of record are silent with regard to problems associated with supporting a stationary shaft in a hermetically sealed device. As discussed in the specification of the present application, the use of external fasteners or similar structures that extend through a base deck or top cover of a housing can present a potential leak and/or contaminant path that can defeat a desired hermetic sealing of the housing. See page 3, lines 12-18; page 8, lines 29-32; page 9, lines 26-30; and page 13, lines 26-29.

Accordingly, the Applicant respectfully submits that the pending claims define subject matter that is non-obvious over the art of record.

Indication of Allowability

The first Office Action indicated that dependent claims 5, 7 and 18 would be allowable if rewritten into independent form. The Applicant gratefully acknowledges this indication of allowability but has elected to not rewrite the claims as suggested on the basis that the base claims from which these claims depend are believed to be patentable for the foregoing reasons.

Newly Added Claims 21-26

New claims 21-26 have been added. Pursuant to 37 CFR §1.111, claims 21 and 24 are generally directed to the housing retaining an inert gas atmosphere, and claims 22 and 25 further generally recite this atmosphere as comprising helium. Support for these claims is found in the specification at page 2, lines 3-11 and page 5, lines 7-13. These limitations are not disclosed, taught or suggested by Lawson '475.

New claims 23 and 26 generally further recite the proximal end of the stationary shaft as being press-fit into a corresponding recess in the first housing member. Support for these claims is found in the specification at page 9, lines 7-8 and in FIG. 6. These limitations are also not disclosed, taught or suggested by Lawson '475.

Upon allowance, the Applicant requests that the Examiner adjust the sequence of the claims to place newly added dependent claims 21-23, which depend from claim 1, ahead of independent claim 11.

Replacement Drawings

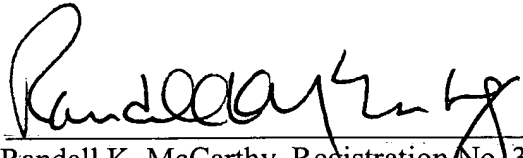
Informal drawings were filed with the referenced patent application on February 19, 2004. Ten (10) sheets of replacement formal drawings are being filed herewith.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all the pending claims in the application. This is intended to be a complete response to the first Office Action mailed August 5, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

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